

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Daniel R. Shultz
Debtor(s)

Bankruptcy Case No.: 14-70709-JAD
Issued Per Dec. 8, 2016 Proceeding
Chapter: 13
Docket No.: 81 – 73, 74
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 17, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,254 as of December 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: December 16, 2016

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Daniel R. Shultz
 Debtor

Case No. 14-70709-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Dec 16, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 18, 2016.

db +Daniel R. Shultz, 1844 Decker Hollow Road, Tyrone, PA 16686-8009
 cr +Nationstar Mortgage, LLC, Aldridge Pite LLP, Fifteen Piedmont Center,
 3575 Piedmont Road, N.E., Suite 500, Atlanta, GA 30305-1636
 13990713 +AARON'S, INC., SALO LOCKBOX, PO BOX 102746, ATLANTA, GA 30368-2746
 13932756 +Aas Debt Recovery Inc., Po Box 129, Monroeville, PA 15146-0129
 13932757 +Arrow Financial Services, 5996 W. Touhy Drive, Niles, IL 60714-4610
 13932759 #+Collection Service Cen, Po Box 68, Altoona, PA 16603-0068
 13932761 +Credit Control Collections, P.O. Box 72, Altoona, PA 16603-0072
 13955143 +First Commonwealth Bank, c/o AAS Debt Recovery Inc., 2526 Monroeville Blvd.,
 Monroeville, PA 15146-2358
 13932762 First Energy Penelec, P.O. Box 9100, Hopkinton, MA 01748
 13932763 +First Premier Bank, P.O. Box 5529, Sioux Falls, SD 57117-5529
 13932765 +Merchants Credit Guide, 223 W Jackson Blvd Ste 4, Chicago, IL 60606-6914
 13932767 +Montgomery Ward, 1112 Seventh Avenue, Monroe, WI 53566-1364
 13959109 +Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 13964320 +NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, LLC., Attention: Bankruptcy Department,
 P O Box 630267, Irving, TX 75063)
 13932768 +Nationstar Mortgage, P.O. Box 650783, Dallas, TX 75265-0783
 13932769 +Northeast Credit & Collection, P.O. Box 3358, Scranton, PA 18505-0358
 13975936 +Penelec, FirstEnergy Corp., 331 Newman Springs Rd., Building 3, Red Bank, NJ 07701-5688
 13932770 +Rec Mgt Grp, 2901 University Av #29, Columbus, GA 31907-7601
 13932771 Tyrone Medical Assoc., 3 Hospital Drive, Suite 1, Tyrone, PA 16686
 13932772 +Verizon Wireless-Great Lak, Attn: Recovery Dept., 1515 E. Woodfield Road, Suite 1400,
 Schaumburg, IL 60173-5443

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13965719 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 17 2016 01:28:22
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 13932758 +E-mail/Text: g20956@att.com Dec 17 2016 01:20:27 Cingular Wireless, P.O. Box 6444,
 Carol Stream, IL 60197-6444
 13932764 E-mail/Text: cio.bncmail@irs.gov Dec 17 2016 01:19:25 Internal Revenue Service,
 Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 13973988 E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 17 2016 01:20:16 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 13932766 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 17 2016 01:19:52 Midland Credit Management,
 Dept. 12421, P.O. Box 603, Oaks, PA 19456-0603
 13946801 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 17 2016 01:19:46
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14163942 +E-mail/Text: bankruptcynotice@westlakefinancial.com Dec 17 2016 01:19:53
 Westlake Financial Services, P.O. Box 54807, Los Angeles, CA 90054-0807

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr NATIONSTAR MORTGAGE LLC
 13932760 ##+Commercial Acceptance Company, 4807 Johnstown Road Ste 247, Harrisburg, PA 17109-1744
 TOTALS: 1, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 27

Date Rcvd: Dec 16, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 18, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 16, 2016 at the address(es) listed below:

Jeremy J. Kobeski	on behalf of Creditor	Nationstar Mortgage, LLC	pawb@fedphe.com
Joshua I. Goldman	on behalf of Creditor	Nationstar Mortgage, LLC	bkgroup@kmlawgroup.com
Joshua I. Goldman	on behalf of Creditor	NATIONSTAR MORTGAGE LLC	bkgroup@kmlawgroup.com
Kenneth P. Seitz	on behalf of Debtor	Daniel R. Shultz	thedebterasers@aol.com
Mario J. Hanyon	on behalf of Creditor	Nationstar Mortgage, LLC	pawb@fedphe.com
Office of the United States Trustee		ustpreregion03.pi.ecf@usdoj.gov	
Ronda J. Winnecour		cmecf@chapter13trusteedpa.com	

TOTAL: 7